

Message Text

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53

ACTION ARA-20

INFO OCT-01 ISO-00 PM-07 NSC-10 CIAE-00 DODE-00 INR-10

NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SPC-03 DRC-01

/073 W

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R 242120Z OCT 73

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 168

INFO AMCONSUL SAO PAULO

AMCONSUL RECIFE

AMCONSUL RIO DE JANEIRO

LIMITED OFFICIAL USE BRASILIA 7268

E.O. 11652: N/A

TAGS: PINS PINT BR

SUBJECT: COURT ORDERS ARREST OF "DEATH SQUAD" POLICE
COMMISSIONER FLEURY

SUMMARY: SAO PAULO STATE POLICE COMMISSIONER DELEGADO SERGIO FLEURY, NOTORIOUS ORGANIZER OF "DEATH SQUADS" IN SAO PAULO, IS SUBJECT TO ARREST WARRANT ISSUED BY CRIMINAL COURT OCTOBER 22. THIS IS STARTLING DEVELOPMENT GIVEN FLEURY'S CONNECTIONS INFLUENTIAL PERSONS IN MILITARY/SECURITY CIRCLES. QUESTION REMAINS WHETHER FLEURY WILL ACUTALLY STAND TRIAL OR BE CONVICTED. END SUMMARY.

1. FLEURY, ALONG WITH THREE SUBORDINATE POLICE OFFICERS, WAS ACCUSED OF COMPLICITY IN 1969 MURDER OF FORMER DEATH SQUAD MEMBER JOSE DA SOUSA CRUZ. ACCORDING TO PROSECUTOR IN FLEURY CASE, CRUZ, IN ADDITION TO TAKING PART IN SEVERAL DEATH SQUAD EXECUTIONS, WAS KNOWN NARCOTICS TRAFFICKER. PROSECUTOR MADE STRONG IMPLICATION THAT FLEURY, WHOSE NARCOTICS ADDICTION IS MATTER OF PUBLIC KNOWLEDGE, PROFITED THROUGH RELATIONSHIP WITH CRUZ, AND MAY HAVE USED HIS POLICE ACTIVITIES TO MASK HIS PARTICIPATION IN NARCOTICS

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TRADE. IN ANY CASE, LOOSE TONGUE MADE CRUZ DISTINCT LIABILITY.

2. FLEURY, WHO HAS GAINED CONSIDERABLE NOTORIETY AND NATION-WIDE HEADLINES AS LEADER OF ANTI-SUBVERSIVE ACTIONS, WAS FOUND NOT GUILTY THROUGH LACK OF EVIDENCE IN COURT OF FIRST INSTANCE. HOWEVER, APPEALS COURT FOUND SUFFICIENT EVIDENCE FOR RETRIAL, AND HAS ISSUED WARRANT FOR PREVENTIVE DETENTION OF FLEURY. NEW TRIAL IS EXPECTED TO TAKE PLACE BEFORE END OF YEAR. IF FOUND GUILTY, FLEURY AND OTHERS ACCUSED COULD RECEIVE SENTENCES OF FROM 12 TO 30 YEARS IMPRISONMENT.

3. COMMENT: FLEURY ENJOYS WIDE RESPECT AND ADMIRATION AMONG MILITARY AND SECURITY FORCES FOR TRACKING DOWN, AT CONSIDERABLE PERSONAL PERIL, WELL-ARMED LEADERS OF SUBVERSIVE GROUPS. DESPITE HIS DEATH SQUAD ACTIVITIES AND DRUG ADDICTION, HIS USEFULNESS HAS EARNED HIM SUPPORT AND PATRONAGE OF PERSONS IN HIGH OFFICE INCLUDING ARMY MINISTER ORLANDO GEISEL, BROTHER OF PRESIDENT-DESIGNATE. REVERSAL OF LOWER COURT VERDICT AND ISSUANCE OF ARREST WARRANT SURPRISING DEVELOPMENT IN THESE CIRCUMSTANCES. REMAINS TO BE SEEN WHETHER FLEURY'S POWERFUL FRIENDS WILL ALLOW LAW TO TAKE ITS COURSE.

CRIMMINS

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